Appl. No. 09/681,953
Amdt. Dated March , 2004
Reply to Office action of January 15, 2004

REMARKS/ARGUMENTS

This amendment is responsive to the Office Action mailed January 15, 2004. In the Office Action, claims 1-4, 7-9, 12-15, and 17-20 were rejected under 35 U.S.C. 102 (b) as being anticipated by Siegal (US Patent No.4, 132, 976), and claims 5, 10 and 16 were rejected under 35 USC 103 (a) as being unpatentable over Siegal in view of Thomas (US 4,263,504).

Claims 1-5, 7-10, and 12-20 remain pending in this application. Reconsideration in light of the following remarks is respectfully requested.

Claims define allowable subject matter over the applied art

Claims 1-4, 7-9, 12-15, and 17-20 were rejected under 35 U.S.C. 102 (b) as being anticipated by Siegal (US Patent No.4, 132, 976). Applicant has carefully reviewed the applied reference, and respectfully traverses the rejection of independent claims 1, 7, 12, 17, 18 and 19, under 35 USC 102 (b) as being anticipated by Siegal.

"Anticipation requires the presence in a single prior art reference, a disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984).

Applicant respectfully submits that Siegal does not teach, disclose or suggest each element of the present invention as claimed in independent claims 1, 7, 12 and 17. Specifically it does not teach, disclose or suggest the claim limitations of "two-dimensional redundant bit pattern" and "said two-dimensional redundant bit patterns comprising repeating patterns of a bit string forming a respective machine readable code" as recited in independent claims 1, 7, 12 and 17.

Siegal's technique merely incorporates a three by three matrix which is operator readable and machine readable. Specifically Siegal employs a family of characters which a relatively unskilled operator may accurately input in a hand-written form and which is then scanned to determine presence or absence of portions of said characters coincident with discrete locations in the three by three matrix (column 1 lines 64 through column 2 line 5). Siegal is completely devoid of any disclosure, suggestion and teaching directed towards building redundancy and using repeating bit patterns to form a machine readable code as described in the Applicant's invention and recited hereinabove with respect to independent claims 1, 7, 12 and 17. The redundancy and repeating bit pattern in the applicant's invention provide that, even if a portion of the characters is damaged, the entire string and the embedded information can be rebuilt. In direct contrast, in Siegal's technique, if any portion of the 3x3 array is

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destroyed after printing, there will be complete loss of information and a reading error would occur. Thus independent claims 1, 7, 12 and 17 are not anticipated by Siegal.

Similarly, Siegal does not teach, disclose or suggest the claim limitations of "spatially registering said respective bit maps; forming a union of said respective spatially registered bit maps; and decoding the composite bit map resulting from the union of each of said respective spatially registered bit maps to identify the part" as recited in independent claims 18 and 19. Siegal's technique does not use spatially registered bit maps or forming a union of the bit maps as described in Applicant's invention. Instead, Siegal uses the three–by–three array to devise a code which can be remembered by a operator after a brief instruction in the code. The scanning system in Siegal is configured to read the blank and handwritten parts of the code in the three-by-three array and converts it to a digital form, which is machine recognizable (column 2, lines 52 through column 3, line 20 and column 4, lines 20-40). Again Siegal is completely devoid of any teaching about the spatially registered bit maps as described in the Applicant's invention.

Thus the Applicant respectfully submits that the independent claims 1, 7, 12, 17, 18 and 19 are not anticipated by Siegal under 35 USC 102 (b) and therefore, are allowable. Claims 2-4 depend directly or indirectly from claim 1, claims 8 and 9 depend directly or indirectly from claim 7, claims 13-15 depend directly or indirectly from claim 12 and claim 20 depends directly from claim 19. Thus claims 2-4, 8, 9, 13-15 and 20 are similarly allowable.

Claims 5, 10 and 16 were rejected under 35 USC 103 (a) as being unpatentable over Siegal in view of Thomas (US 4,263,504). Applicant respectfully traverses the rejection of independent claim 1, 7 and 12 under 35 USC 103(a) as being unpatentable over Siegal in view of Thomas.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

Applicant respectfully submits, that as explained above, in relation with the 102 argument, Siegal does not teach, suggest or disclose the claim limitations of independent claims 1, 7, 12. Specifically Siegal does not teach, suggest or disclose the claim recitations of "two-dimensional redundant bit pattern" and "said two-dimensional redundant bit patterns comprising repeating patterns of a bit string forming a respective machine readable code" as recited in independent claims 1, 7, and 12. The secondary reference of Thomas merely describes a matrix–type code having repeated or non-repeated dot patterns representing digital characters and a method of reading or scanning the same in a particular direction. Regardless of this disclosure, there is still no teaching, suggestion or disclosure in Thomas leading to the claim limitation of "two-dimensional redundant bit pattern" as recited in independent claims 1, 7 and 12. Thus, even if one seeks a combination of Thomas with Siegal, such combination does not fairly teach or suggest the applicant's invention as recited in independent claims 1, 7, and 12.

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Accordingly, Applicant respectfully submits that the Office Action did not make a prima facie case of obviousness for the independent claims 1, 7, and 12 define allowable subject matter over the applied art. Claim 5 depends directly from claim 1. claim 10 depends directly from claim 12 and claim 16 depends directly from claim 12. Applicant respectfully submits that claims 1, 7, and 12 are patentably distinct from the applied references for the reasons discussed above and that claims 5, 10 and 16 are similarly allowable over the applied references.

In view of the foregoing remarks, Applicants respectfully request withdrawal of the rejections under 35 USC 102(b) and 103(a).

Summary

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested.

Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, the Examiner is requested to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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_____6 April_____, 2004

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